

BUREAU OF AUTOMOTIVE REPAIR

SPECIFIC LANGUAGE OF PROPOSED REGULATIONS

REVISED DISCIPLINARY GUIDELINES

Legend: Deleted text is indicated by ~~striketrough~~.
Added text is indicated by underlining.

1. Amend § 3395.4 of Article 12 of Chapter 12 of Division 33 of Title 16 of the California Code of Regulations, to read as follows:

§ 3395.4. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400, et seq.), including formal hearings conducted by the Office of Administrative Hearings, the Bureau of Automotive Repair shall consider the disciplinary guidelines entitled “Guidelines for Disciplinary Penalties and Terms of Probation” [~~May, 1997~~September, 2003] which are hereby incorporated by reference.

The “Guidelines for Disciplinary Penalties and Terms of Probation” are advisory.

Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Bureau of Automotive Repair in its sole discretion determines that the facts of the particular case warrant such deviation--for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Section 9882, Business and Professions Code; and Sections 11400.20 and 11400.21, Government Code. Reference: Sections 11400.20, 11400.21 and 11425.50(e), Government Code.